

06-16-08 10:47am From-Baum Sigman

9122360241

T-837

P.002/004

F-832

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SHEET METAL WORKERS LOCAL 265
WELFARE FUND, *et al.*,

Plaintiffs,

vs.

AMERICAN CHUTE SYSTEMS, INC.,
an Illinois corporation,

Defendant.

CIVIL ACTION

NO. 08 C 2814

JUDGE SAMUEL DER-YEGHIAYAN

AFFIDAVIT

STATE OF ILLINOIS)
) SS.
COUNTY OF DUPAGE)

SCOTT P. WILLE, being first duly sworn upon his oath, deposes and says:

1. That he is Administrator and/or Authorized Agent of the SHEET METAL WORKERS LOCAL 265 WELFARE FUND, SHEET METAL WORKERS LOCAL 265 PENSION FUND, SHEET METAL WORKERS LOCAL 265 SAVINGS FUND, SHEET METAL WORKERS LOCAL 265 EDUCATIONAL FUND, SHEET METAL WORKERS LOCAL 265 INDUSTRY FUND and SHEET METAL WORKERS LOCAL 265 SUPPLEMENTAL RETIREMENT PLAN.

2. That he has read the Complaint filed in this cause, and knows of his own personal knowledge the contents of the collective bargaining agreements and Agreements and Declarations of Trust and all facts alleged therein, and if called and sworn as a witness is competent to testify thereto.

06-18-08 10:47am From: Baum, Sigman

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T-837; P.003/004 F-892

3. That he is charged with keeping and maintaining records of contributions received by the Plaintiff Funds, maintains individual records on each person, firm and corporation required to make contributions to said Plaintiff Funds, receives and records contribution reports made by such persons, firms or corporations, and has under his supervision and direction all books, records, documents and papers relating to such Plaintiff Funds.

4. That he has examined the account of Defendant in the above-entitled cause, and states that said Defendant:

- (a) is required to make monthly contribution reports under the terms of the aforesaid collective bargaining agreement;
- (b) has failed to submit all monthly contribution reports due to date;
- (c) has submitted monthly contribution reports for the months of January 2008 through April 2008, but has failed to submit the contributions which it acknowledges therein to be due as set forth below:

	<u>Contributions</u>
Welfare Fund	\$16,229.74
Pension Fund	\$ 2,145.28
Supplemental Retirement	\$ 4,668.33
Educational Fund	\$ 245.76
Industry Fund	\$ 80.64
Savings Fund	\$ 307.20
Dues	\$ 15.36

5. That pursuant to the Trust Agreements he has assessed a liquidated damages surcharge against the Defendant in the amount of ten (10%) percent of all contributions due and unpaid and all contributions which were paid late, for the months of January 2008 through April 2008, in amounts set forth below:

06-16-08 10:47am From=Baum Sigman

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P.004/004

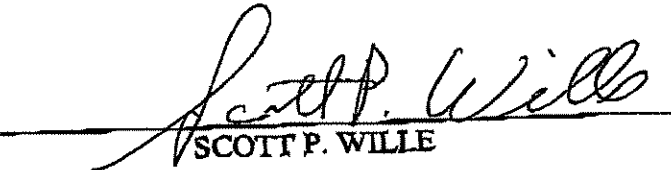
F-832

	Liquidated Damages
Welfare Fund	\$1,622.97
Pension Fund	\$ 214.53
Supplemental Retirement	\$ 466.83
Educational Fund	\$ 24.58
Industry Fund	\$ 8.06
Savings Fund	\$ 30.72
Dues	\$ -----

6. That he is duly authorized by Plaintiffs in this behalf, has personal knowledge of the matters set forth above and if called as a witness in this cause is competent to testify thereto.

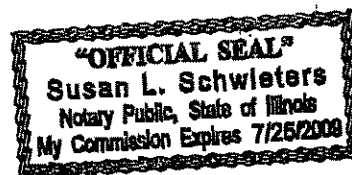
7. That he makes this Affidavit in support of the application of Plaintiffs for entry of default and judgment and requests this Court to consider the same as proof in support of the allegations contained in the Complaint of the Plaintiffs and such other facts herein set forth.

FURTHER AFFIANT SAYETH NOT.


SCOTT P. WILLE

SUBSCRIBED AND SWORN
TO before me this 16th
day of June 2008.


NOTARY PUBLIC



h:\265J\American Chute\2008\wille affidavit.bpa.df.wpd

CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Affidavit of Scott P. Wille) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 19th day of June 2008:

Mr. Frank E. Stephens, Registered Agent/President
American Chute Systems, Inc.
603 E. Washington Street
Joliet, IL 60433

/s/ Beverly P. Alfon _____

Beverly P. Alfon
Attorney for Plaintiffs
BAUM SIGMAN AUERBACH & NEUMAN, LTD.
200 West Adams Street, Suite 2200
Chicago, IL 60606-5231
Bar No.: 6274459
Telephone: (312) 236-4316
Facsimile: (312) 236-0241
E-Mail: balfon@baumsigman.com

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SHEET METAL WORKERS'
UNIFORM FRINGE BENEFIT REMITTANCE REPORT
Any Questions? Please call: (703) 729-7000 or Fax: (703) 882-0832

TO: **AMERICAN CHUTE SYSTEMS, INC.**
803 E WASHINGTON STREET
JOLIET, IL 60433

LOC# 265
FED ID# 354345895
CLASS: ALL CLASSES

IND: BUILDING TRADES
CHECK HERE IF NO HOURS TO REPORT (YOU WILL RECEIVE A REPORT NEXT MONTH)
CHECK HERE IF NO HOURS TO REPORT (YOU WILL NOT RECEIVE A REPORT NEXT MONTH)

Natl Pen, Natl Hth, ITI
Sasmr, Sasmr-II, NEMI, SMW Supp Svcs. Office Copy

MONTH: JANUARY
YEAR: 2008
LOCAL UNION NO.: 265

NBF EMPLOYER # 012609
AREA: DO
NPF PLAN: A
CONTRACT: 2650401
PAGE NO.: 1

OUT OF BUSINESS
NO WORK
EFF DATE

SOC SEC NO. (A)		C	(F)	HOURS			(J)	(K)	(L)	(M)
(B)		401 (K)	HOME	(G)	(H)	(I)	CLASS	TAXABLE GROSS	H&W PEN MISC	WAGE
LAST/FIRST NAME		RATE	LOCAL	REGULAR	OT/OT1-1/2	OT/OT2		WAGES	CONTRIBUTIONS	RATE
NATL	IT	NEMI	LOCAL	AN-	HEALTH	EDUCA-		IN-	SAVINGS	IA
PENS		SM SCH	PENS	NUITY	& WEL-	TION		DUSTRY	ORGAN-	WORK
FUND			FUND	FUND	FARE	FUND		FUND	IZING	ASSMNT
RALLS, JR.	FL		265	170.75				3,158.85		
STOKKE	WE		265	128				3,840.00		
MORALES	A		265	168.5				2,485.38		
TOTALS				(G)	(H)	(I)		(K)	(L)	
				467.25				9,484.25		
1. TOTAL HOURS REPORTED				467.25	467.25	467.25	467.25	467.25	467.25	467.25
2. CONTRIBUTION RATE PER HOUR				7.3	4.25					
3. AMOUNT DUE (1)X(2)				\$3,410.93	\$1,985.81	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4. ADJUSTMENT PLUS OR MINUS - PLEASE ATTACH EXPLANATION										
5. NET AMOUNT DUE				\$3,410.93	\$1,985.81	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
NAT. BENEFIT FUNDS								\$9,484.25		
LOCAL FUNDS								\$5,396.74		
TOTAL \$								\$14,880.99		
GROSS WAGES (COL K)										
TOTAL BENEFIT CONT (L)										
GROSS EARNINGS (K+L)										
SASMI CONTRIBUTION RATE .03										
SASMI CONTRIBUTION (LN3XLN4)										

PREPARED BY: Lori E Welch
SIGNATURE: *Lori E Welch*
DATE: 1/31/2008
PHONE: (815)-722-7532
E-MAIL: lorfe@americanchutesystems.com
TITLE: Controller

1432.53

(5838.53)

19257

SHEET METAL WORKERS' UNIFORM FRINGE BENEFIT REMITTANCE REPORT
 Any Questions? Please call: (703) 729-7000 or Fax: (703) 685-0632
TO: AMERICAN CHUTE SYSTEMS, INC.
603 E WASHINGTON STREET
JOLIET, IL 60433
LOC# 265

FED ID# 364348893
CLASS: ALL CLASSES

MONTH JANUARY
YEAR 2008
LOCAL UNION NO. 265

NBF EMPLOYER # 012669
AREA DO
NPF PLAN A
CONTRACT 2650401
PAGE NO. 1

IND: BUILDING TRADES
 CHECK HERE IF NO HOURS TO REPORT (YOU WILL RECEIVE A REPORT NEXT MONTH)
 CHECK HERE IF NO HOURS TO REPORT (YOU WILL NOT RECEIVE A REPORT NEXT MONTH)

Nat Pen, Nat Hnd, ITI
Saemi, Saemi-II, NEMI, SMW Supp Svcs. Office Copy

SOC SEC NO.(A) (B)	C 401(K) RATE	(F) HOME LOCAL	(G) REGULAR	HOURS		(J) CLASS	(K) TAXABLE GROSS WAGES	(L) H&W PEN MISC CONTRIBUTIONS	(M) WAGE RATE
LAST/FIRST NAME	IT NEMI SM SCH	LOCAL PENS FUND	AN- NUITY FUND	OT/OT-1-1/2 HEALTH & WEL- FARE	OT/OT-2 EDUCA- TION FUND		IN- DUSTY FUND	SAVINGS ORGAN- IZING	IA WORK ASSMNT
HEINZ TJ		265	128				4,928.00		
GRAY K		265	0				0.00		
TOTALS							(K) 4,928.00	(L)	
1. TOTAL HOURS REPORTED							128	128	128
2. CONTRIBUTION RATE PER HOUR							0.21	0.84	0.03
3. AMOUNT DUE (1)X(2)							\$26.88	\$107.52	\$3.84
4. ADJUSTMENT PLUS OR MINUS - PLEASE ATTACH EXPLANATION									
5. NET AMOUNT DUE							\$26.88	\$107.52	\$3.84
NAT. BENEFIT FUNDS						TOTAL \$	\$217.23	\$4,928.00	
LOCAL FUNDS						TOTAL \$	\$2,312.96	\$2,312.96	
PREPARED BY Lori E Welch						TITLE: Controller	\$7,240.96	\$0.03	
SIGNATURE						DATE: 1/31/2008	PHONE: (815) 723-7632	E-MAIL: lorie@americanchutesystems.com	
						\$217.23			

GROSS WAGES (COL IQ)
TOTAL BENEFIT CONT (L)
GROSS EARNINGS (K+L)
SAEMI CONTRIBUTION RATE .03
SAEMI CONTRIBUTION (LXSLN4)

total \$2,539.19

295.16

(252.16)

1295169

P.2

Costs	52,658.70
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2009



SHEET METAL WORKERS' UNIFORM FRINGE BENEFIT REMITTANCE REPORT
 Any Questions? Please call: (703) 738-7000 or Fax: (703) 823-0832
TO: AMERICAN CHUTE SYSTEMS, INC.
893 E WASHINGTON STREET
JOLIET, IL 60433 **LOCAL 248**

MONTH: FEBRUARY **YEAR: 2008** **LOCAL UNION NO. 248**
NSP EMPLOYER # 012905 **DO: A** **INDUSTRY: 01**
AREA: A **CLASS: ALL**
APPT PLAN: 2660401 **PAGE NO. 1**

IND: BUILDING TRADES **FED ID# 384345893**
CLASS: ALL CLASSES
CHECK HERE IF NO HOURS TO REPORT (YOU WILL RECEIVE A REPORT NEXT MONTH)
CHECK HERE IF NO HOURS TO REPORT (YOU WILL NOT RECEIVE A REPORT NEXT MONTH)

SOC SEC NO. (A) (B) LAST/FIRST NAME	C 401(K) RATE NATL PENS FUND ITP REMI SM SCH	(F) HOME LOCAL LOCAL PENS FUND	HOURS			(J) CLASS	OUT OF BUSINESS NO WORK EFF DATE	(K) TAXABLE GROSS WAGES IN-DUSTRY FUND	(L) H&W PEN NOEC CONTRIBUTIONS SAVINGS ORGAN-IZING	(M) WAGE RATE IA WORK ASSMNT
			(G) REGULAR ANNUITY FUND	(H) OT/OT-1/2 HEALTH & WEL-FARE	(I) OT/OT-2 EDUCA-TION FUND					
RALLS, JR.	FL	255	160					2,860.00		
STOKKE	WE	255	120					3,840.00		
MORALES	A	255	146.5					2,146.13		
TOTALS			(G) 433.5	(H)	(I)			(K) 8,846.13	(L)	
1. TOTAL HOURS REPORTED			433.5	433.5	433.5	433.5		433.5	433.5	433.5
2. CONTRIBUTION RATE PER HOUR			8.04	2.80						
3. AMOUNT DUE (1)X(2)			\$2,878.44	\$1,083.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4. ADJUSTMENT PLUS OR MINUS - PLEASE ATTACH EXPLANATION								\$0.00	\$0.00	\$0.00
5. NET AMOUNT DUE			\$2,878.44	\$1,083.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
PREPARED BY: Lori E Welch			TITLE: Controller			DATE: 2/29/2008			PHONE: (815) 723-7933	
SIGNATURE: [Signature]			E-MAIL: lori@americanchutesystems.com			TOTAL \$			\$3,962.19	
LOCAL FUNDS			TOTAL \$			\$3,962.19			\$12,808.32	
GROSS WAGES (COL K)			TOTAL BENEFIT CONT (L)			GROSS EARNINGS (COL K)			SASMI CONTRIBUTION RATE .03	
SASMI CONTRIBUTION (LXKXLM)			TOTAL \$			\$3,962.19			\$12,808.32	

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SHEET METAL WORKERS' UNIFORM FRINGE BENEFIT REMITTANCE REPORT
 Any Questions? Please call: (703) 730-7000 or Fax: (703) 683-0932

TO: **AMERICAN CHUTE SYSTEMS, INC.**
 803 E WASHINGTON STREET
 JOLIET, IL 60433

FED ID# 384345893
 CLASS: ALL CLASSES

IND: BUILDING TRADES
 CHECK HERE IF NO HOURS TO REPORT (YOU WILL RECEIVE A REPORT NEXT MONTH)
 CHECK HERE IF NO HOURS TO REPORT (YOU WILL NOT RECEIVE A REPORT NEXT MONTH)

Natl Pen, Natl H&W, ITI
 Sasm, Sasm-II, NEMI, SMW Supp Svcs. Office Copy

MONTH: MARCH
 YEAR: 2008
 LOCAL UNION NO.: 265

NBF EMPLOYER # 012609
 AREA: DO
 NPF PLAN: A
 CONTRACT: 2650401
 PAGE NO.: 1

INDUSTRY: 01
 CLASS: ALL

SOC SEC NO. (A)		C	(F)	HOURS		(J)	(K)	(L)	(M)
(B)	LAST/FIRST NAME	401(K) RATE	HOME LOCAL	(G) REGULAR	(H) OT/OT-1/2				
NATL PENS FUND	ITI NEMI SM SCH	LOCAL PENS FUND	ANNUITY FUND	HEALTH & WELFARE	EDUCATION FUND		IN-DUSTRY FUND	SAVINGS ORGAN-IZING	IA WORK ASSMNT
	RALLS, JR.	FL	265	195			3,607.50		
	STOKKE	WE	265	128			3,540.00		
	MORALES	A	265	144.5			2,131.38		
TOTALS					(G)	(H)	(I)	(K)	(L)
					467.5			9,578.88	
1. TOTAL HOURS REPORTED					467.5	467.5	467.5	467.5	467.5
2. CONTRIBUTION RATE PER HOUR					2.04	1.75	0.75		
3. AMOUNT DUE (1)X(2)					\$3,412.75	\$1,986.88	\$0.00	\$0.00	\$0.00
4. ADJUSTMENT PLUS OR MINUS - PLEASE ATTACH EXPLANATION									
5. NET AMOUNT DUE					\$3,412.75	\$1,986.88	\$0.00	\$0.00	\$0.00
NAT. BENEFIT FUNDS							\$9,578.88		
LOCAL FUNDS							\$5,399.63		
TOTAL \$							\$14,978.50		
PREPARED BY: Lori E Welch					TITLE: Controller		GROSS WAGES (COL, K)		
SIGNATURE: [Signature]					DATE: 3/31/2008		TOTAL BENEFIT CONTY (L)		
					PHONE: (815)-723-7632		GROSS EARNINGS (K-I)		
					E-MAIL: lori@americanchutesystems.com		SASM CONTRIBUTION RATE .03		
							SASM CONTRIBUTION (LNSKL, M)		

129774

RECEIVED
 APR 10 2008
 SMW LOCAL 265
 FRINGE BENEFIT FUNDS

19247

total	\$2,530,19
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RECEIVED
APR 10 2008
S. W. LOCAL 265
FRINGE BENEFIT FUNDS

179275

51463

[illegible]

RECEIVED

MAY 05 2008

~~SIMV LOCAL 265~~
~~FRINGE BENEFIT FUNDS~~

129936

